

Equality and diversity objectives for the Office for Students (2018 to 2022)

Foreword from Nicola Dandridge, chief executive:

The Office for Students' mission provides that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers. Together with our obligations under the Equality Act 2010, this gives the OfS a powerful mandate to ensure facilitate greater equality and diversity among students in English universities and colleges.

This equality statement sets out how we will deliver on our equality objectives and priorities for 2018 to 2022. We have set ourselves an ambitious programme of work. By using our wide-ranging powers and influence, engaging with students, and collaborating with the sector and our wider stakeholders, we hope to tackle the most entrenched and pressing equality issues in higher education.

This statement, its objectives and priorities, were developed in consultation with students, the higher education sector and sector agencies. We look forward to continued work with these groups to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

Background

1. The Office for Students (OfS) Strategy¹ was published in April 2018 with a mission 'to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers'.
2. Our strategy is structured around four strategic objectives:

Every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.		
Participation	Experience	Outcomes
<p>Objective 1</p> <p>All students, from all backgrounds, with the ability and desire to undertake higher education, are supported to access, succeed in, and progress from higher education.</p>	<p>Objective 2</p> <p>All students, from all backgrounds, receive a high quality academic experience, and their interests are protected while they study or in the event of provider, campus or course closure.</p>	<p>Objective 3</p> <p>All students, from all backgrounds, are able to progress into employment, further study and fulfilling lives, and their qualifications hold their value over time.</p>

¹ www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/

Value for money

Objective 4

All students, from all backgrounds, receive value for money.

Developing our higher education sector focused E&D objectives and priorities

3. To develop our equality and diversity (E&D) objectives and priorities for 2018-22 we:
 - a. Undertook desk-based research into other regulators' implementation and positioning of their Public Sector Equality Duty (PSED)² and equality objectives.
 - b. Reviewed data and analysis of inequality of access, continuation, attainment and progression in English higher education.
 - c. Consulted with relevant stakeholders from across higher education and relevant equality and diversity experts, including student representative bodies, providers, sector agencies, and third-party experts.
 - d. Reviewed our E&D priorities and ensured that they are consistent with the OfS business plan.
 - e. Complied with Equality and Human Rights Commission (EHRC) guidance in respect of the selection and prioritisation of equality objectives, ensuring that they are specific and measurable.
 - f. Developed an action plan that provides more operational detail on how the objectives and priorities will be delivered, by whom and to what timescale.

Developing our internal, staff-focused E&D objective and priorities

4. The OfS recognises that to be a credible and effective higher education regulator, we must challenge ourselves to at least the same standard as we challenge providers. Informed by our staff and experts in the field, we will set ambitious employment and equality targets for the OfS.
5. To develop our internal, staff-focused equality objectives and priorities for 2018-22 we have:
 - a. Established a transformation group of staff to develop ambitious recommendations for the corporate aspects of the OfS's equality objectives and priorities, relating to staffing, governance, working practices and cultures, and including an agreed and lawful approach to positive action in relation to staff and committee appointments (June 2018).
 - b. Undertaken desk-based research into what works for employers that are best-in-class in relation to equality and diversity, including with regard to the positioning and implementation of the corporate aspects of their PSED and equality objectives (July 2018).

² See paragraph 6 of this document for a full explanation of the PSED.

- c. Communicated the ethical and business case for a diverse and inclusive workplace to all staff and engaged with them through a targeted survey, focus groups and drop-in sessions (August 2018).
- d. Used the findings from this all-staff engagement to inform our internal equality objectives and priorities (October and November 2018).
- e. Developed an action plan alongside wider changes being implemented through the OfS Transformation Programme, and published with the OfS E&D statement and objectives. The action plan will provide more operational detail on how the objectives and priorities will be delivered, by which team and to what timescale.
- f. Developed a plan to capture and publish OfS staff diversity data for the first time and benchmark this against relevant indicators (October 2018).
- g. Reviewed the E&D priorities and ensured that they are consistent with the OfS business plan.
- h. Complied with EHRC guidance in respect of the selection and prioritisation of equality objectives, ensuring that they are specific and measurable.

Legal context

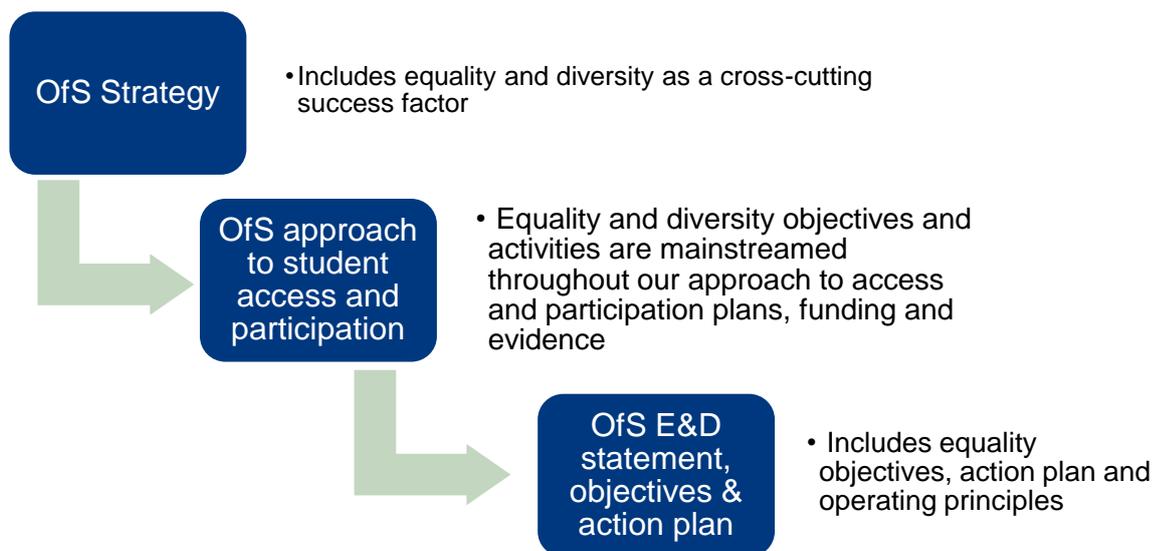
6. The Equality Act 2010 puts a **general duty** on public sector bodies (including the OfS and publicly-funded higher and further education institutions) to:
 - a. Eliminate unlawful discrimination, harassment and victimisation.
 - b. Advance equality of opportunity between people who do and do not share a protected characteristic.
 - c. Foster good relations between people who share a protected characteristic and those who do not share a protected characteristic.
7. Public bodies must meet this general duty both as employers and as providers of public services, and show 'due regard' to the duty across all of their functions. It is referred to as the Public Sector Equality Duty or PSED.
8. The nine 'protected characteristics' referred to are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race

- religion or belief
 - sex
 - sexual orientation.
9. The general duty is underpinned by **specific duties**, for which there are the following requirements:
- a. To publish annual information demonstrating compliance with the general duty. This should include information on employees and people affected by the OfS's functions who share a protected characteristic.
 - b. To publish objectives setting out how the OfS will meet the requirements of the Equality Act at least every four years. This document fulfils this legal obligation.
 - c. To ensure that such published information is accessible to the public. The OfS achieves this by ensuring that both our annual equality and diversity report and our equality and diversity statement and objectives are published on our website.
10. The OfS also promotes equality between different socioeconomic groups, as well as other groups underrepresented in higher education. This is part of our access and participation strategy, as people from disadvantaged socioeconomic groups are generally less likely to go into higher education, and experience worse educational outcomes once there.
11. There is also the new duty, implemented in March 2018, which applies to all organisations employing over 250 people to publish a set of calculations and data around their gender pay gap. This applies to the OfS, and the annual publication date for a public sector employer is 31 March.
12. The OfS has an additional legal driver to promote equality of opportunity: through the Higher Education and Research Act (HERA) 2017, which states 'the need [for the OfS] to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers'. The HERA also enables the OfS to fund eligible higher education providers and attach relevant terms and conditions to the grants that it makes.
13. The OfS's equality objectives and priorities will be fully reflected in our strategy³. Impact on equality and diversity will be considered and acted on across all areas of our business plan⁴, and will be mirrored in our organisation's performance measures. The overall framework for how the OfS will implement this process is presented in Figure 1.

³ See www.officeforstudents.org.uk/publications/office-for-students-strategy-2018-to-2021/.

⁴ See www.officeforstudents.org.uk/publications/office-for-students-business-plan-2018-19/.

Figure 1: OfS framework for implementing equality and diversity actions



Who regulates the PSED?

14. The EHRC is responsible for monitoring and enforcing the PSED for all public authorities listed in the Equality Act 2010; these include the OfS and publicly funded further and higher education providers. Enforcement of the general duty can also be carried out via judicial review.

Delivering equality and diversity at the OfS

15. The OfS will deliver the PSED through its functions as a regulator of individual providers, the higher education sector and as a funder of higher education. In the regulatory framework we say that:

‘The OfS’s primary aim is to ensure that English higher education is delivering positive outcomes for all students – past, present and future. This ambition runs through the regulatory framework and the organisation as a whole. The OfS will seek to ensure that all students, from all backgrounds (particularly the most disadvantaged), can access, succeed in, and progress from higher education.’⁵

16. The OfS has also, through the regulatory framework, set out a principles-based approach to regulation, which proposes a bold new approach to promoting social mobility, and equality and diversity through higher education. In his foreword to the regulatory framework, OfS Chair, Sir Michael Barber, states:

‘The new framework equips us to deploy a powerful set of regulatory levers, not only to improve access to higher education, but also to reduce the gaps in continuation, attainment and progression that are currently experienced by different groups of students. The sector has increased opportunity by widening access... but has not achieved equality of opportunity. We

⁵ The regulatory framework, Office for Students. Part 1, Paragraph 2, page 14.

will be radical and ambitious to make sure we deliver on the promise of higher education as an engine for social mobility, and a gateway to a better life for those who undertake it.’⁶

17. The OfS published an equality impact assessment alongside the regulatory framework, which identified that we expected the framework to have a positive impact on equality and diversity⁷.

18. There is a distinction between the E&D actions which the OfS will deliver itself, through the delivery of our functions and processes, and those which we will expect providers to deliver themselves and report outcomes to the OfS through their access and participation plans. Examples of PSED delivery through our functions is outlined below:

Function	Key activities to deliver the OfS’s PSED
Provider-level regulation	<p>One of the OfS’s key tools in provider-level regulation are Access and participation plans; this is a requirement for all providers in the approved (fee cap) registration category and that are intending to charge above the basic undergraduate fee to UK and EU students. The plans require providers to demonstrate how the measures they are planning to improve access and participation are supported by their broader strategy for equality and diversity.</p> <p>In ‘our access and participation plan Guidance for 2019-2020’⁸, the OfS recognises ‘the strong links between access and participation, which is focused on groups underrepresented in higher education, and equality and diversity, which is focused on characteristics protected under the Equality Act 2010’.</p> <p>The OfS requires all providers seeking registration with the OfS to include in their access and participation plan:</p> <ol style="list-style-type: none"> a. An explanation of the interaction between their access and participation plan and their E&D strategy. b. Evidence that they have considered the impact of their activities and support measures on students with protected characteristics, e.g. through an equality impact assessment. c. Evidence that they have paid due regard to equality and diversity in designing their access and participation plan, as is their responsibility under the Equality Act 2010.
Sector-level regulation	<ul style="list-style-type: none"> • We work at a sector level to champion issues affecting students with protected characteristics (e.g. the ethnicity attainment gap, sexual harassment and student mental health), identifying and mobilising effective practice across the sector.

⁶ Sir Michael Barber’s foreword to the regulatory framework, Office for Students, page 1.

⁷ See www.officeforstudents.org.uk/publications/equality-impact-assessment-regulatory-framework-for-higher-education/.

⁸ See www.officeforstudents.org.uk/publications/regulatory-notice-1-guidance-on-access-and-participation-plans-for-2019-20/.

	<ul style="list-style-type: none"> We embed E&D issues, considerations, impacts and disparities into our work to support graduate skills and employability, the assessment of teaching excellence through the Teaching Excellence and Student Outcomes Framework (TEF) and our work to inform student choice.
Funding	Deploying our funding in a targeted way to support social mobility and equity through the OfS's access and participation strategy.

Equality information about students

19. We will publish and periodically update a comprehensive analysis of available equality, diversity and socio-economic student data. This will be available in the Equality and diversity section of the OfS website.

Accessibility of information

20. For greater transparency and accountability in working towards meeting our PSED, we will publish an action plan detailing how the OfS will meet its equality objectives, and by when. We will ensure that our equality information and objectives are easy to locate on our website.

Who do we mean by 'students'?

21. Our work covers all students studying higher education qualifications in England, whether undergraduate or postgraduate, home or international, young or mature, full-time or part-time, studying on a campus or by distance learning. As identified in the OfS's business plan (O1.2), we will collaborate with UK Research and Innovation (UKRI) to ensure our work benefits all students, including postgraduates, and links through to academic and research careers.

What do we mean by taking an intersectional approach?

22. The interconnectedness of diversity and power in society leaves certain groups of people with greater disadvantages and inequality than others. This manifests when people embark on higher education study: certain groups of people are not accessing, continuing, attaining or progressing with the level of success as others. Often this is because they are from backgrounds or have a characteristic or characteristics such as sex, race, religion, gender, disability, sexual orientation or gender identity that has less power or agency than others. Often the more of these characteristics an individual identifies with, the more challenging it can be for them to achieve success in higher education.

23. For all students to succeed we need to identify and address interactions that perpetuate inequality, to ensure that every student, whatever their background, has a fulfilling experience of higher education that enriches their lives and careers.

24. To do this the OfS will interrogate the national higher education data sets (such as that provided through the Higher Education Statistics Agency and the Individualised Learner Record) as well as national survey data (such as that provided through the National Students Survey and the Destination of Leavers from Higher Education survey) to identify and address sector-wide equality issues. Through this analysis we will identify those communities or groups

of individuals who, by nature of the diversity of their background or identity, have potentially been overlooked or excluded from efforts to eliminate unlawful discrimination, harassment and victimisation or efforts to advance equality of opportunity.

25. Where data either does not exist or is not of sufficient quality for certain groups of students, where appropriate we will challenge the sector to improve their collection and use of data in the student interest. We will also be more flexible in the way we identify trends and patterns of inequality. Quantitative data does not hold all the answers, and when used on its own can lead to numerically smaller communities such as trans students being overlooked. In these circumstances, we will use a mixed-methods approach, employing more qualitative measures such as focus groups. This approach will provide OfS with a stronger set of data and insight tools to drive the sector's efforts to address inequality, discrimination and harassment.
26. In practice this will mean that instead of simply setting objectives for broad groups such as women or black, Asian and minority ethnic (BAME) students, we will be able to drill down to find those more discrete groups experiencing more intractable barriers to access, continuation, attainment or progression in English higher education.

Our E&D principles

27. Underpinning our objectives and all the work we will do to implement them, there are a set of operating principles which mirror the OfS's values:
 - a. Reflecting the diversity of providers and students across English higher education.
 - b. Championing E&D with clarity of purpose, leadership and strategy.
 - c. Being accessible and inclusive to our stakeholders.
 - d. Championing diverse voices and leaders.
 - e. Being at the forefront of relevant data, evidence and insight.
 - f. Undertaking effective and efficient E&D impact assessment.
 - g. Taking and championing an intersectional approach.
 - h. Establishing E&D objectives and activities throughout the OfS's functions.
 - i. Working in partnership with students at all levels and from all backgrounds, and with other stakeholders.
 - j. Challenging our own E&D practices with the same rigour that we challenge providers.

Equality and diversity objectives for the OfS

28. Our E&D objectives and priorities are listed below. Objectives one to five describe our priorities in facilitating the elimination of discrimination, equality of opportunity, and the fostering of good relations between different people in respect of students. Objectives six to eight describe our priorities and how we plan to achieve this for our employees.

29. Where they are tied specifically to outputs and activities in the OfS business plan, the relevant code is referenced. We expect the OfS board to hold us to account on the delivery of these priorities both through our reporting on the business plan, to which most of the priorities refer, and through our annual report to the OfS board specifically on equality and diversity.

Objective one: The OfS will develop, implement and consult on our equality and diversity objectives, evidence base, impact assessments and action plan to ensure successful implementation of our PSED.

Priorities:

- a. Annually reviewing our progress and reporting this to the OfS board, and being held to account for our performance.
- b. Linking E&D success factors to the OfS's performance measures and outcomes.
- c. Seeking regular engagement, evidence and feedback from our stakeholders on our PSED performance (EF1.2).
- d. Undertaking impact assessments of our policies and programmes, including updating the equality impact assessment for the OfS regulatory framework by March 2019.
- e. Having a clear linkage between our E&D strategy and OfS strategy and business plan.

Objective two: The OfS will conduct and publish rigorous and influential analysis, research and insight into E&D (including the protected characteristics and socioeconomic disadvantage) issues across the student lifecycle.

Priorities:

- f. We will collect the data necessary to allow us to conduct robust analysis. We will examine the critical gaps in outcome across the student lifecycle, taking an intersectional approach wherever possible, and extend our knowledge of groups that are currently underreported, such as postgraduate and international students. We will work through our regulatory framework to improve the quality and coverage of E&D-related data, including through our implementation of the Transparency duty. This includes a commitment to update the equality impact assessment of the regulatory framework at key points in its implementation (EF3.1).
- g. Developing deeper insight into E&D issues by including data analysis and insight from alternative sources, such as third-party data, international data and data from other industries and sectors.
- h. Enabling continuous improvement by engaging and collaborating with stakeholders and using evidence and feedback to gather and triangulate insight and intelligence (EF1.2).
- i. Taking an ethical and proportionate approach to gathering and presenting data that does not unnecessarily overburden stakeholders, including innovative and mixed-methods approaches to collection and presentation that upholds our legal duties and ensures compliance with the General Data Protection Regulation requirements (EF2.2).

- j. Supporting the sector to translate evidence into effective practice within providers, for example through a new Evidence and Impact Exchange (P1.1)

Objective three: The OfS will challenge the sector to significantly reduce gaps in access, success and progression for students from all backgrounds and identities⁹ and across all disciplines.

Priorities:

- k. Removing the degree attainment gap for black and Asian students (P2.1).
- l. Reversing the decline in mature student participation in higher education (P2.1).
- m. Improving access to higher education for white males from disadvantaged socioeconomic groups (P2.1).
- n. Reducing the challenges for students with a disability in accessing, succeeding and progressing in higher education (P2.1).
- o. Delivering our access and participation strategy; challenging providers through the access and participation plans, and supporting them through sector-wide championing of issues (P2.1); the identification and sharing evidence on effective practice (P2.1); and providing support on data and evaluation.
- p. Developing and implementing our approach to access and participation plans. Providing guidance and setting a requirement for continuous improvement such as reducing gaps in access, success and progression, and improving practices.
- q. Distributing and reforming our funding in a targeted way to support social mobility and equity through the access and participation strategy (P1.2).
- r. Implementing the Teaching Excellence and Student Outcomes Framework (P1.3) to promote positive learning outcomes for all students.
- s. Implementing the Transparency duty (P2.3) and working to develop the duty further with the aim of capturing a greater number of protected characteristics (e.g. disability and age).
- t. Using our analytical capability and convening power to champion issues and understand where progress is being made and gaps remain.
- u. Developing and implementing the Evidence and Impact Exchange (P1.1) with the aim of identifying and disseminating 'what works' in access, success and participation and driving effective practice.

⁹ This will include students who we determine to be underrepresented in relation to access and participation, in line with the Higher Education and Research Act (2017), and students with protected characteristics as defined in the Equality Act (2010) who are identified by data and insight as under-represented in relation to access, success and progression.

- v. Implementing OfS policies to remove barriers to choice for students from all backgrounds and identities e.g. encouraging new providers into the market and driving new and existing forms of flexible provision (E.1).

Objective four: The OfS will work to address the risk of some students not receiving a high quality higher education experience.

Priorities:

- Addressing the significant increase in students experiencing mental health problems; this will include the development of a mental health strategy for the OfS (E3.3).
- Tackling all forms of sexual harassment, violence and hate crime affecting students in higher education as part of the OfS's approach to student welfare and safeguarding (E3.3).
- Implementing the initial and ongoing conditions of registration for quality to drive a high quality academic experience for all students, giving explicit attention to the outcomes for students from under-represented groups.
- Strategically reviewing our discretionary funding to lever innovation and effective practice.
- Actively promoting whole institutional, inclusive approaches to both the academic and non-academic student experience (e.g. with regard to learning and teaching, access, participation, student welfare and safeguarding); including the development of an OfS student welfare and wellbeing (safeguarding) strategy (E3.3).
- Supporting sector-wide activity – e.g. by funding and communicating effective practice - to tackle and reduce all forms of violence and harassment on campus, including sexual harassment and violence, online harassment and hate crime; also to enhance student support, including mental health and disability services (P2.1).
- Respond to the UK Government's LGBT Action Plan to 'ensure that support is available for LGBT+ students who are victims of hate crime and online harassment'.
- Promoting a more diverse higher education workforce (including senior manager and governors) to better reflect the diversity of the student population.
- Using data, analysis, research and evidence to support continuous improvement and understanding of equality and diversity.
- Ensure any provider that implements its student protection plan in the event of course, campus or provider closure mitigates against differential impacts of the closure on students with protected characteristics (E4.1).

Objective five: The OfS will work to reduce the risk that some students are prevented from maximising their outcomes through their higher education experience and therefore not maximise their potential in terms of employment or further study.

Priorities:

- Implementing the Teaching Excellence and Student Outcomes Framework with due regard to promoting positive learning outcomes for all students (P1.3).
- Working with providers, employers and other stakeholders to better understand and address the causes of gaps in employment outcomes.
- Working with providers and professional associations to eradicate gaps in employment outcomes (O.1).
- Promoting activity that enhances employability and employment outcomes for students from under-represented groups or with protected characteristics, such as work placements, community engagement and student enterprise (O.1).
- Working with UKRI to understand the patterns of progression to postgraduate study for different student groups and developing approaches through regulation, funding, and sharing of data and practice, to strengthen and diversify the postgraduate pipeline (O1.2).
- Undertaking analysis to improve understanding of the benefits of higher education to graduates (beyond income measures) and how these vary between different groups of graduates.

Objective six: Fostering inclusive leadership and an inclusive and open culture.

Priorities:

- Ensuring senior accountability and inclusive leadership from managers and directors across the OfS.
- Introduce accountability for diversity and inclusion for all staff.
- Senior leaders will act as role models for inclusive leadership and drive positive culture change.

Objective seven: Supporting staff to build diversity and inclusion into their work.

Priorities:

- Ensuring that staff at all levels have the training, tools and personal agency to contribute to positive culture change at all levels of the organisation.
- The establishment of staff diversity networks to enable all staff, irrespective of their background or position in the organisation, to lead positive change.

Objective eight: Behaving as an inclusive employer which attracts and retains the widest pool of talent where all staff have the opportunity to unlock their potential.

Priorities:

- Ensuring that we have the tools to attract, develop and retain the widest pool of talent.

We are equipped to deliver sustainable tailored training and development opportunities that meets the diverse needs of our employees.